

REMARKS

In response to the Official Action dated May 13, 2004 in the above captioned matter, please amend the claims therein and consider the following remarks. A petition for a two month extension of time has been filed concurrently herewith.

I. The nonstatutory double patenting rejection of claims 1 and 3-8 over claims 1-8 of the copending application no.10/047,686

The Examiner has provisionally rejected claims 1 and 3-8 under the judicially created doctrine of obviousness type double patenting, in view of copending application no. 10/047,686 (hereinafter, "AD6836"). Applicants reserve the right to file a terminal disclaimer to overcome this rejection at a later time. However it is to be noted that coapplicant Orient Chemical Industries, Ltd. has constructed comments relating to this matter which have been related to coapplicant E.I. du Pont de Nemours and Company, as follows:

" (The) Relationship between the disclosure of AD6760 and (claims) 1 to 8 of AD6836 is that formula [I] of AD6836 represents anthraquinone blue dyes under C.I.(color index) Solvent Blue 97, 101, and 104 listed in Table 1 at page 5 of AD6760, but which may also correspond to Product Example Numbers I-12, 13 and 14 of Table 2 at page 6 of AD6760, and formula [II] of AD6836 represents C.I. Vat Blue 4 listed at a second line from the bottom of column 2 of Table 1 at page 5. According to Orient expert, although no requirement for disclosure of formula corresponding to Color index when registered, it could be easily for the ordinary skilled person in the art to find respective formula in response to each of C.I.. by reference to databook available to the public.

In other words, AD6760 claims " a laser transmitting black colorant comprising a mixture of a) neutral anthraquinone dye which imparts colors of blue, violet or green, absorbs visible light with wavelength less than 700nm and transmits a laser beam

with wavelength at 800 nm to 1200 nm in the infrared region with -----" as more generic terms for the neutral anthraquinone dye, on the contrary AD6836 recites very specific neutral anthraquinone dyes which imparts blue, which include C.I. Solvent Blue 97, 101, 104 and C.I. Vat Blue 4, which are all listed in Table 1 of AD6760.

Examples A, E of AD6760 use a combination of c.i. solvent blue 97, c.i. solvent red 179 and c.i. solvent yellow 163, and Example B, F of AD6760 use a combination of c.i. solvent blue 101, c.i. solvent red 179, and c.i. solvent yellow 163, but no example using c.i. solvent blue 104 in AD6760, but examples A, H, N, V and AB do in AD6836."

II. The Amendments to the Claims

Applicants have combined claim 1 with claim 2 to limit the compositions to those comprising a) a mixture of neutral anthraquinone dye imparting blue, violet or green, b) perinone dyes imparting orange, red, violet (as described at lines 1 to 7, page 9) and c) anthraquinone dyes imparting yellow as described at lines 6 to 19, page 13 to produce a black colorant. These amended claims are supported by the above description and examples of A, B, E and F as mentioned above.

III. The 35 USC 102 (e) or 103 (a) rejection over Reil's US published patent application 2002-2225

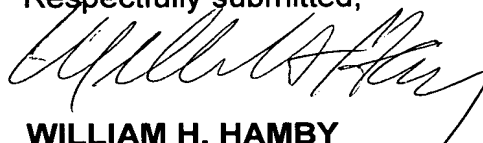
This published patent application discloses a black thermoplastic molding composition which is translucent or transparent to laser light and comprises a combination of non-black, polymer-soluble dyes, which give the molding composition a black color. It is stated that preferably the molding composition may comprise a combination of a yellow (such as 93, 114, 98 and 133) and a violet (such as solvent violet 13, 37 and 49) dye, or a combination of a red (such as solvent red 179, 135 which are perinone dyes, 111 which is anthraquinone dye, and 195) and a cyan dye, or a combination of a red, blue (such as solvent blue 104, 122, 45), and yellow dye, or a combination of a red, yellow and green (such as solvent green 3 and 28) dye, and the

chinophthalone or anthrachinone group of dyes are preferable, and combinations with other organic or inorganic pigments give more intensely colored and more brilliant colorations. In addition, polymers used in the invention of this publication include polyester and polyamide(see paragraph [0028]).

Applicants maintain that this publication provides no information relevant to making a laser weldable composition by inclusion of three different dyes as recited in the above claims as amended at a main wavelength in the infrared region 800 nm to 1200 nm, and suitable for laser welding, including transparent articles for laser beam transmission to achieve welding together with opaque article for the laser beam absorption. The publication just discloses a combination of Sandoplast Yellow and Sandoplast Violet.

It is respectfully submitted that the claims as amended and in view of the comments above are in condition suitable for allowance, and that the case may pass to issuance.

Respectfully submitted,



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